

REMARKS

The present amendment is responsive to the Office of November 18, 2003. The fee for a three-month extension of time (small entity) is included herewith, as are a request and the proper fee for an RCE.

At the outset, the applicant's representative wishes to thank Exr. Jones for his time and courtesy during the telephone interview of April 18, 2004. As the Examiner will recall, it was agreed (pending receipt of the written amendment) that incorporating subject matter drawn to Fig. 6 into the independent claims would overcome the anticipation rejections over the Wright reference. Specifically, the Examiner indicated that he may look favorably upon claims that incorporated recitations to the effect that the video sequence of the winning race entrant shown on the display is selected from among a plurality of video sequences, in which the number of such plurality is dependant upon the odds for the race.

Accordingly, each of the pending independent claims has been amended to include such a recitation. Turning now to the art rejections, claims 1-58 were variously rejected as being anticipated by or obvious over Wright, US patent 3,645,531. Reconsideration and withdrawal of these rejections are respectfully requested, for the following reasons.

Wright discloses a betting apparatus having an endless loop or a spooled film. As shown in Fig. 7, the disclosed endless loop or single film loop 16 includes four subframes, each of which is associated with horse racing. In Wright, each subframe 18, 19, 20 and 21 of the loop 16 is associated with a different randomly selected winning horse. Wright does not disclose or suggest any functionality or structure that would enable a player (a punter, to use Wright's terminology) to choose one of a plurality of activities. For example, Wright does not enable the player to choose between horse, dog, powerboat or skiing races, as do the claimed inventions.

Instead, the apparatus disclosed in Wright is limited to a single activity, there being no provision to enable a player to choose from among a plurality of mutually different activities and to place a wager on a random outcome of the selected activity, as claimed herein. Wright allows for the disclosed apparatus to be configured to operate with a film loop 16 of a different activity than horse racing, as noted in Col. 6, lines 41-46. Note, however, the use of the alternative:

"In alternative embodiments of the machine 10 films of races other than horse races may be shown, for example, motor races or dog races and instead of cartoon films suitably edited films of actual races may be screened. Any size of film may be used or alternatively videotape may be used"

Therefore, Wright's apparatus is a one-activity machine - either it's a horseracing machine or it's a motor racing machine, for example. Moreover, Wright's apparatus is also a one-film sequence per randomly selected winner machine. Indeed, Wright, as discussed above, discloses a single activity, and discloses that the film loop only includes a single outcome subframe (18, 19, 20 or 21) for each randomly chosen winning horse. Therefore, although the player might not be able to guess which horse (or car, etc.) will be randomly chosen as the winner, he or she knows that the same film sequence will be displayed for each winning horse, each time that horse is selected as the winner. Indeed, according to Wright, subframe 20 is shown each time Horse 3 is randomly chosen as the winner of the race.

In contrast, the present claims define embodiments of the present invention in which the number of video sequences available for selection and showing on the display for each race or activity entrant is dependant upon the odds assigned to that race or activity entrant.

Amended independent claim 1 recites

...each video racing activity set including a predetermined number of numbered video sequences for each race entrant, the predetermined number of video sequences for each race entrant being dependant on predetermined odds assigned to each race entrant...

Likewise, independent claims 15 and 23 recites:

...a second showing step to show the player a selected video sequence of a plurality of video sequences of the randomly selected actual outcome of the selected activity immediately after the introductory video sequence, a number of the plurality of video sequences from which the video sequence of the randomly selected actual outcome is selected being dependant upon the predetermined odds.

Similarly, amended independent claim 31 recites:

...each of the at least one numbered entrant being shown on a number of video sequences that is dependant on predetermined odds of the at least one entrant placing in and winning the competitive activity, ...

Moreover, claim 31 also includes the recitation:

such that numbered entrants being assigned longer odds are shown on comparatively fewer video sequences than numbered entrants being assigned shorter odds

Finally, amended independent claims 45 and 52 each recite:

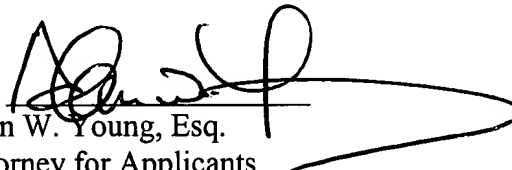
..., a number of the plurality of video sequences from which the video sequence of the randomly selected actual outcome is selected being dependant upon the predetermined odds...

As discussed during the recent telephone interview, Wright does not disclose or suggest that the number of video sequences from which the video to be shown is selected is dependant upon any odds, as only shown in Figs. 4 and 6 and discussed in the present specification beginning at page 18. In Wright, a single subframe 18, 19, 20 and 21 of the loop 16 is associated with a different randomly selected winning horse. Therefore, the number of subframes in Wright (one per winning horse) is unrelated (i.e., not dependant) upon the odds of the horse race. It is, therefore, respectfully submitted that the claims, as amended, define inventions that find no counterpart in and that are not obvious over the Wright reference. Reconsideration and withdrawal of the outstanding rejections of claims 1-58 are respectfully requested.

The applicant, therefore, respectfully requests withdrawal of the outstanding objections and

rejections and a timely passage to issue of the present application. Should Examiner Jones have any remaining questions, he has but to call the undersigned, and whatever is needed will be done at once.

Respectfully submitted,
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